

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

Suzanne Genereux, et al.	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. 04-cv-12137 JLT
	)	
American Beryllia Corp., et al.	)	
	)	
Defendants.	)	

**MOTION OF DEFENDANT BRUSH WELLMAN INC. FOR SUMMARY JUDGMENT**

Pursuant to Rule 56 of the Federal Rules of Civil Procedure and Rule 56.1 of the Local Rules of the United States District Court for the District of Massachusetts, defendant Brush Wellman Inc. (“Brush”) moves for summary judgment in its favor as to all remaining claims in the Amended Complaint. The grounds for this motion, set forth more fully in the accompanying memorandum, are (1) that plaintiff cannot assert product liability claims against Brush because she did not work with any Brush products; (2) plaintiffs’ claims are time-barred in any event because plaintiff Suzanne Genereux knew of a diagnostic test to determine whether she had been injured by workplace exposures more than three years before she filed suit; (3) Brush had no duty to warn plaintiff and/or discharged that duty because it could reasonably rely on Raytheon, a large, sophisticated and knowledgeable employer, to do so; and (4) plaintiffs’ alleged harm was not caused by Brush’s warnings because plaintiff Suzanne Genereux never saw them and Raytheon did not heed them.

**REQUEST FOR ORAL ARGUMENT**

Pursuant to Rule 56.1 of the Local Rules of the United States District Court for the District of Massachusetts, defendant Brush requests the opportunity for oral argument on its motion for summary judgment.

**LOCAL RULE 7.1(A)(2) CERTIFICATION**

The undersigned hereby certifies, pursuant to Local Rule 7.1(a)(2), that he has conferred with counsel for the plaintiff in good faith to attempt to resolve or narrow the issues in dispute, and that these efforts were not successful.

Dated: October 16, 2006

Respectfully submitted,

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